

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOEL A. MELENDEZ,

Plaintiff,

v.

No. CV 21-61 RB/CG

CITY OF LAS CRUCES POLICE DEPARTMENT,
and D'ANTHANY ROOHR

Defendants.

ORDER GRANTING PLAINTIFF'S MOTION TO EXTEND EXPERT DEADLINES

THIS MATTER is before the Court on the Plaintiff's *Motion for Extension of Time to Disclose Expert and Expert Report* (the "Motion"), (Doc. 34), filed September 17, 2021.

The Motion asks the Court to extend the expert disclosure deadline in order for Plaintiff to disclose necessary discovery to Plaintiff's expert in preparation of the expert report. *Id.* at

1. Plaintiff explains that "Plaintiff's counsel has contacted defense counsel Luis Robles, Esq., with reference to this Motion[,]" and that "[c]ounsel did not receive a response for filing." *Id.* at 2.

Defendants have filed no response to the Motion, and the time for doing so has now passed.¹ See D.N.M. LR-Civ. 7.4 ("A response must be served and filed within fourteen (14) calendar days after service of the motion."); see *also* D.N.M. LR-Civ. 7.1 ("The failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion."). Therefore, the Court, having reviewed the Motion and noting it is unopposed, finds the Motion is well-taken and shall be **GRANTED**.

¹ Plaintiff's proposed order granting the Motion indicates on the signature line for Defendants' counsel that the Motion is unopposed but did not provide that information in its Motion or in an amended motion.

IT IS THEREFORE ORDERED that Plaintiff shall have **thirty days** from receipt of the discovery or records referred to in the exhibit attached to the Motion, (Doc. 34 at 3), to disclose its expert and expert report.

IT IS FURTHER ORDERED that Plaintiff's counsel shall immediately confirm to defense counsel by letter or email that Plaintiff has received the requested discovery or records, which will commence the thirty-day period for Plaintiff's expert deadline.

IT IS FINALLY ORDERED that Defendants will have until **thirty days** after receipt of Plaintiff's expert report in which to disclose to Plaintiff its expert and expert report.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE

Submitted by:

/s/ Jose R. Coronado
JOSE R. CORONADO
Law Office of Jose R. Coronado
125 W. Griggs Avenue

Las Cruces, New Mexico 88001
(575) 525-2517
jose@coronadolawlc.com

/s/ G. Greg Valdez
G. GREG VALDEZ
P.O. Box 516
Las Cruces, NM 88004
(575) 312-2580
g.gregvaldez@gmail.com

Attorneys for Plaintiff Joel A. Melendez

Electronically Approved by:

UNOPPOSED: 9/23/2021
LUIS ROBLES
Robles, Robles, Rael & Anaya, P.C.
500 Marquette Ave., NW, Suite 700

Albuquerque, New Mexico 87102
(505) 242-2228
luis@roblesrael.com

Attorney for City Defendants